

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

SHIRLEY KIRKENDOLL

CIVIL ACTION NO. 11-cv-2055

VERSUS

JUDGE STAGG

BROOKSHIRES GROCERY CO., ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Defendants removed this case based on an assertion of diversity jurisdiction, so they bear the burden of establishing facts that warrant the exercise of that form of subject-matter jurisdiction. The court notes, without passing on any other jurisdictional issues, that the citizenship of one defendant is not alleged adequately.

The petition names among the three defendants Specialty Risk Services, LLC. The Notice of Removal identifies that defendant by the same name, which indicates it is a limited liability company. When alleging citizenship, however, the Notice of Removal states that Specialty is “incorporated under the laws of Delaware with its principal place of business in Memphis, Tennessee.”

The citizenship of an LLC is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however

many layers of members or partners there may be. Feaster v. Grey Wolf Drilling Co., 2007 WL 3146363 (W.D. La. 2007). The court has explained the need for such detail in cases such as Burford v. State Line Gathering System, LLC, 2009 WL 2487988 (W.D. La. 2009).

Defendants will be allowed until **December 30, 2011** to file an Amended Notice of Removal to allege with specificity the facts relevant to citizenship and Specialty Risk Services, LLC. If the entity is not a limited liability company, as its name suggests, that should be explained in detail.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 8th day of December, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE